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The a[illegible] or crafte of Rhetho-ryke

G.R. III. BR. MUS.

ptmst [illegible]

Lame fait [illegible]
largent fait [illegible]

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¶ To the reuerend father in god and hys singuler good lorde the lorde Hughe Faryngton Abbot of Redynge his pore clyent & perpetual seruāt Leonarde Cox desyrethe longe and prosperouse lyfe with encrease of honour.

G.R. III. BR. MUS.

Consyderyng my specyall good lorde howe greatly and how many wayes I am bounden to your lordeshippe. And among all other that in so greate a nombre of cunnynge men whiche ar nowe within this region/ it hathe pleasid your goodnes to accept me as worthy to haue the charge of the instruccyon and bryngyng vppe of suche youthe [illegible]resorteth to your gramer schole foūded by your antecessours in thys your towne of Redyng / I studied a longe space what thynge I myght do next the busy and dylygent occuppyeng of my selfe in your saide seruyce / to the whiche bothe conscieus & your stepend dothe streyghtly bynde me. that myght be asygnyfycaciō of my fayth full and seruisable harte whiche I owe to your lordeshyppe/ and agayne a longe memorye bothe of your synguler and benefy-

cyall fauore towarde me. And of myne in-
dustrie and dylygence employed in your
seruyce to some profyte or at the leste way
to some delectacion of the inhabytañtes of
this noble realme nowe florysshyng vnder
the most excellent victorious prynce our
Soueraygne Lorde kynge Henry the viii.
And when I hade thus longe prepensyd
in my mynde what thynge I myght beste
chose out/none offrede it selfe more conue-
nyent to the profyte of ponge studientes
whiche youre good lordeshyppe hathe all-
wayes tenderly fauored/and also meter to
my professyon then to make some proper
worke of the eyght pleasaunt and persua-
dyble arte of Rhetorike/whiche as it is
very necessary to all suche as wyll eyther
be aduocates and proctoures in the lawe
or els apte to be sente in theyr prynces/
Ambassades/or to be techars of goddes
worde in suche maner as maye be moste
sensible and accepte to their audience. And
finally to all them that haue any thynge
to propose or to speke afore any companye
what someuer they be. So contrarylye I
se no scyence that is les taught and decla-
red to scholars/whiche ought chyefly af-
ter the knowledge of gramer ones hade to
be instructe in thys faculte without the
whiche often tymes the rude vtterance of
the

the aduocate greatly hyndrethe and apey-
reth his clyentes cause. Lykewyse the vn-
apte dyspolycyon of the preacher in orde-
rynge his mater confundyth the memory
of hys herers. And brefly indeclarynge of
maters for lake of inuencyon and order
with due elocucyō greate tedioſnes is en-
gendred to the multytude beynge present/
by occaſyon where of the ſpeker is many
tymes or he haue endyd his tale eyther
lefte almoſt alone to his no lytle confuſyō
or els wherche is a lyke rebuke to hym the
audyence falleth for werynes of hys inelo-
quent langage faſte on ſlepe. wyllynge
therfore for my parte to helpe ſuche as ar
deſyrous of this arte as all ſurely ought to
be whiche entende to be regarded in any
compynalrye / I haue partely traunſlatyd
out of a werke of Rhetho yke wrytten in
the lattyn tongue and partely compyled of
myne owne & ſo made a lytle treatiſe in ma
ner of an introduccyon into this afore ſaid
ſcyence and that in the engliſſhe tongue.
Remembrynge that euery goode thynge
after the ſayenge of the Philoſopher the
more commune that it is the better it is.
And further more truſtynge there by to do
ſome pleaſure and eaſe to ſuche as haue by
negligence or els falſe parſuaſyons be put
to the lernynge of other ſcyences or cure

they haue attayned any meane knowledge
of the latyne tonge.
whyche my sayde labour I humbly offer
to your good lordeshyppe as to the chyefe
mayntener and norisshar of my stody
beseechynge you though it be ferre
within your merytꝭ done to me
to accepte it as the fyrste assay
of my pore and symple wyt
which if it maye fyrst
please your lorde-
shyppe. And
next the
reders
I truste by the ayde of almyghty godto
endight other werkes both in this
facultye and other to the laude
of ỹ hyghe godded of whom
all goodnes dothe procede
and to your lorde-
shyppes plea-
sure and to
profyte
and
delectacyon of
the reder.

Wholomeuer desyreth to be a good oratour or to dyspute and cõmune of any maner thynge / hym behoueth to haue foure thynges. The fyrste is called Inuencyon for he muste fyrste of al imagyne or inuent in his mynde what he shall saye. The .ii. is named iudgement / for he muste haue wyt to discerne and iudge whether the thinges that he hathe founde in his mynde be conuenient to the purpose or nat / for often tymes yf a man take thys propricte he may aswell tell that that is agaynste hym / as with hym / as experience doth dayly shew. The .iii. is dyspolycyon wherby he maye knowe howe to ordre and set euery thynge in his due place. Leste thoughe his inuencyon and iudgement be neuer so goode he maye happen to be counted as the cõmune prouerbe sayeth To put the carte afore the horse. The .iiii. is such thynges laste as he hathe Inuentid and by iudgemens knowen apte to his purpose when they ar set in theyr ordre so to speke them that it maye be pleasant and delectable to the audience. So that it maye be sayde of hym that historyes make mencion that an olde woman sayde ons by demosthenes and

syns hathe bene a cõmune prouerbe amõ-
ge the grekes whiche is asmoch to saye as
this is he. And this last propriete is callyd
amonge lernyd men eloquence. Of thes.
iiii. the most difficile or harde is to inuente
what thou muste saye wherfore of this par
te the Rhetoryciens whiche be maysters
of this arte haue writtẽ very moche and
diligently.

☞ Inuencyon is cõprehendid in certayn
placys/as the Rhetoriciens call thẽ/ out
of whõ he that knowyth the faculty may
fetche easyly suche thynges as be mete for
the mater that he shal speke of/which ma-
ter the Oratour callethe the theme and in
oure vulgayre tonge it is callyd improp-
ly the antytheme. The theme proposed we
muste after the rules of Rhetoryke go to
oure placys that shal anone shew vnto vs
what shalbe to oure purpose.

Exãple in olde tyme there was grete enuy
betwene .ii. noble men of Rome of whome
the one was callyd Mylo/ and the other
Clodyus. The which malice grew so ferre
that Clodius layed wayte for Mylo on a
season when he shulde ryde out of the cyte/
and in his iournay set vpon him and there
as it chansyd Clodius was slayne/ where
vpon thys Clodius frendes accused Mylo
to the Senate of murdre. Tully whiche in

tho

tho dayes was a grete aduocate in Rome
shulde plede Milloes cause. Nowe it was
oppyn that Milo had slayne Clodius/ but
whether he had slaine him lawfully or nat
was the doute. Wo thē the theme of Tul-
lyes oracyon or plee for Milo was thys
that he had slayne Clodius lawfully / and
therfore he ought nat to be punisshed. For
the confirmacyon wherof as dothe appere
in Tullyes oracyon he dyd bryngē out of
placis of Rhetorike argumentes to proue
his sayde theme or purpose. And lykewyse
muste we do when we haue any mater to
speke or commune of. As yf I shulde make
an oracyon to the laude and prayse of the
Kynges hyghnesse/ I muste for the Inuē-
cyon of suche thynges as be for my purpo-
se/ go to places of Rhetorike/ where I shal
easly fynde after I knowe the rules / that
that I desyre. Here is to be noted ꝓ there
is no theme but it is conteined vnder one
of .iiii. causis/ or for the more playnes .iiii.
kyndes of oracions. The fyrste is callyd
Logycall whyche kynde we call properly
disputacīō. The secūde is callid Demōstra-
tyue. The thyrde Delyberatyue. The .iiii.
Judiciall / and these thre laste be properly
callid speces or kindes of oracions/ whose
natures shalbe declarid seperatly here af-
ter with the crafte that is required in euery

of them. All themes that partcyne to Logike cyther they be Symple or cõpounde as yf a man desyre to knowe of me what Justice is/this only thynge Justice is my theme/ Or yf disputacyon be had in any company vpon Relygion/and I wold declare the very nature of Religion my theme shulde be thys symple or one thynge Relygyon. But yf it be douted whether Justice be a vertue or nat/ and I wolde proue the part affyrmatyue/my theme were now compounde/that is to say/Justice is a vertue. For it is made of .ii. thynges knyte or vnied to gither/Justice and vertu Here must be noted that Logike is a playne and asure way to instructe a man of the trouth of euery thynge. And that in it the natures causes partis and effectes of thinges ar by certayne rules discussid and serchyd out/ So that nothinge can be perfectly and proprely knowen but by rules of Logike whiche is nothynge but an obseruacyon or a diligent markynge of nature/ wherby in euery thynge mannes reason dothe consyder what is fyrste/what laste/ what propre/what impropre.

☞ The places or instrumentes of a symple theme ar. The definicion of the thyng. The causes. The partes. The effectes. ✠ Example. If thou inquyre what thyng

Justyce is/

Justice is/wherof it cometh/ what partes it hathe and what is the offyce or effecte of euery parte / then haste thou diligently serched out ꝑ hole nature of Justice. And handelyd thy symple theme accordynge to the preceptes of Logecians / To whome oure author leuith suche maters to be discussyd of them. Howe be it somwhat the Khetoriciens haue to do with the symple theme/and asmoch as shalbe for theyr entent we wyl shew hereafter. For many tymes the orator must vse both the diffinicions and diuisions. But as they be in Logyke playne and compendiouse/ So are they in Khetorike extendid & paynted with many fygures and ornamentes longynge to the science. Neuerthcles to satisfie the reders mynde and to alleuiate the tediousnes of serchynge these places I wyll oppn the maner and fassyon of the handilynge of the theme afore sayd as playnely as I can after the preceptes of Logike/fyrst to serche out the perfyght knowlege of Justyce I go to my fyrst place definicion/ And fetche frō Aristotle in his ethik̄ the definicion of Justyce whiche is this / Justyce is a morall vertue wherby men de the werkers of ryghtful thyngz/ that is to say wherby they both loue & also do such thinges as be Juste. Thys done I serche the cause of

Justyce

Justyce that is to saye frō whens it toke the fyrst begynning and bycause that it is a morall vertue and Plato in the ende of his dialogue Menon concludeth that all vertue commyth of god I am assured that god is the chefe cause of Justice declaring it to the worlde by his instrument mannes wyt whiche the same Plato affyrmythe in the begynning of his lawes. The definicyon and cause had I come to the thyrde place callid partes to knowe whether ther be but one kynde of Justyce or els many. And for thys purpose I fynde that Aristotele in the.v. of his ethikes deuideth Justice in.ii.speces or kyndes / one that he calleth iustice legitime or legall/and an other why che he called equyte. Justyce legall/ is that / that consistith in the superyours whiche haue power to make or statute lawes to the inferiours/and the offyce or ende of thys Justyce is to make suche lawes as be bothe good and accordynge to ryght and conscience /and then to declare them/ and whē they are made and publysshed as they ought to be / to se that they be put in vre. For what auayleth it to make neuer so good lawes if they be nat obseruyd and kepte / and fynally that the maker of the lawe apply his hole studye and mynde to the welth of his subiectes and to the com-

mune

mune profyte of them. The other kynde of Justice whiche men call equite is whereby a man nother taketh nother giueth/les nor more then he ought/but in gyuyng taketh good hede that euery man haue accordyng as he deseruith: This equte is agayne deuidid into equite distributyue of cõmune thynges & equite Cõmutatyue / by equite distributyue is distributyd & gyuen of Cõmune goodes to euery man accordyng to his deseruinges & as he is worthy to haue. As to deuyde amonges suche as longe to the churche of the churche goodes after the qualyte of theyr meryte and to them that be cyuyle persones of the commune tresour of the cyte accordynge as they are worthy. In this parte is comprehendyd the punyshment of mysdoers and transgressours of the lawe/to whome correcciõ muste be distrybuted for the cõmune welle accordynge to theyr demeryte after prescrypcions of lawes of the contrey made and determynyd for the punyshement of any maner transgressour. Equite cõmutatyue is a iuste maner in the chaungyng of thynges from one to an other whose offyce or effecte is to kepe iuste dealynge in equite as byenge/ sellynge and all other bargaines lauful/and so are here with the speces of Justyce declared. Oure auctour

also

also in a grete worke that he hathe made vpon Rhetoryke declareth the handelyng of a theme symple by the same example of Justice addynge. ii. places mo whiche ar callyd affynes and cōtraries on thȝ maner ⁂ what is Justice. Auertu wherby to euery thynge is gyuen that that to it belongyth/what is the causetherof mānes wyll consenting with lawes and maneres/how many kyndes.ii.whiche. Commutatyue and distributyue/For in.ii. māeres is our medlynge with other men other in thynges of our substance and/ wares or in gentyll and cyuyle conuersacyon. ⁂: ⁂

☙ what thyng is Justyce cōmutatyue/ ryght and equite in all contractes.

☙ what is Justyce distributyue/ Justyce of cyuyle lyuyng how manyfolde is Justi/ ce dystributyue/ eyther it is commune/ or pryuate/The commune is callyd in latin pietas / but in englysshe it may be moste properly namyd goode ordre whiche is the coroune of all vertues cōseruynge honeste & cyuyle conuersacion of men togyther/as the heddȝ & the meane comynalte in good vnite & cōcorde. Priuate or seueral/iustice distributyue is honeste & amyable frendeshype / and conuersacyon of neyghbours.

☙ what are the offyces. To do for euery man ryche or pore of what someuer state

he

he be and for our contrey/ for our wynes/ chyldrē and frendes that that ought to be done for euery of them.

Affynes or vertues nyghe to Justyce are Constancie/ Lyberalyte/ Temperaunce/ Thynges contrary ar fere/ couytyse/ ꝓdigalyte. And this is the maner of handelynge of a simple theme dialectual But yet let not the reder deceyue hym selfe/ and thynke that the very perfyght knowlege it shewyd hym here/ what hathe bene shewyd now is some what generall and brefe More sure and exacte knowledge is conteyned in Logyke/ to whome I wyll aduise them that be studyouse to resorte and to fetche euery thyng in his one ꝓper faculte

¶ Of a Theme compounde.

Euery theme compounde eyther it is prouyd true or false. Nowe whether thou wylt proue or improue any thinge it muste be done by argument. And any theme compounde be it Logycall or Rhetorycall/ it muste be referryd to the rules of Logike by thē to be prouyd true or false For thys is the dyfference that is betwene these two sciencis/ that the Logycyan in disputynge obseruythe certayne rules for the sectynge of his wordes beynge solycytous that ther be spokyn no more nor no les then the thynge requirith/ and that

It

it be euē as playnly spokē as it is thought But the Rhetorycyan seketh abought and boroweth wher he can asmuche as he may for to make the symple and playne Logycall argumentes gay and delectable to the eare so then the sure Judgement of argumentes or reasons muste be lernyd of the Logicyan but the crafte to set them out with plesaunte fygures and delate the matter longith to the Rhetorycian/as in Myloes cause whom was made mēcyon afore ¶ A logician wolde bryefly argue/ who so euer violently wyll slee an other/may lawfully of the other be slayne in his defence. Clodius wolde vyolently haue slayn Milo/wherfore Clodius might lafully be slayne of Milo in Milous owne defence. And this argument the logicians call a Sillogisme in Darii/whiche Tully in his oracion extendeth that in foure or fyue leues it is scant made an ende of / nor no man can haue knowlege whether Tullies argumēt that he maketh in his oracyon for Milo/ be a goode argument or nat/ and howeit holdeth/excepte he can by Logyke reduce it to the perfecte and briefe forme of a Sillogisme / takynge in the meane season of the Rhetorycyans what ornamentes haue bene caste so for to lyght and augmēt the oracyon/and to gyue it a maiestie.

¶ The

¶ The places owte of whome are founde argumentes for the prouinge or impugnynge of compoũde Themes/ are these folowinge

Diffinicion Lyke
Cause contrary.
Partes

Of the places of argumentes shalbe spoken hereafter. For as touchynge them in all thynges the Rhetorician and Logycian do agree. But as concernynge the crafte to fourme argumẽtes whã thou hast foũde thẽ in theyr places/that must be lerned of the Logician/where he treateth of the fourme of Sellogismes/Enthimemes and Inductions.

¶ Of an oracion demonstratiue.

The vse of an oracyon demonstratiue is in prayse or dyspraysse/ whiche kynde or maner of oracyon was gretly vsed somtyme in comon accyons/ as dothe declare the oracyons of Demosthenes/and also many of Thucidides oraciõs And there ben thre maners of oracions demonstratyue.

¶ The fyrst conteyneth the prayse or dyspraysse of persones. As yf a man wolde prayse the kynges bygnes or dyspraysse some yll persone/it must be done by an oracyon demonstratyue. The secunde kynde

of an oracyon demonstratyue is: where in is prayſed or diſprayſed/ nat the perſon but the dede. As yf a theef put hym ſelfe in ieoperdy for the ſafegarde of a true man/ agaynſte other theues and murderers/ the perſon can nat be prayſed for his vicious lyuynge/ but yet the dede is worthy to be commended. Or if one ſhulde ſpeake of Peters denyenge of Chriſte/ he hath nothynge to diſprayſe the perſon ſaue onely for this dede. The thyrde kynde is: wherin is lauded or blamed nother perſon nor dede/ but ſome other thynge as vertue/ vice/ iuſtice/ iniurie/ charite/ enuie/ pacience/ wrathe and ſuche lyke.

¶ Partes of an Oracion.

¶ The partes of an oracion preſcribed of Rhetoriciens are theſe.

¶ The Preamble or exordien.

¶ The tale or narracion.

¶ The prouinge of the matter or contencion.

¶ The concluſion.

¶ Of the whiche partes meneyon ſhall be made hereafter in euery kynde of oracions for they are nat founde generally in euery oracion/ but ſome haue moo partes/ and ſome leſſe.

¶ Of the Preamble.

Generally

GEnerally the Preamble nat alonly in an oracion demonstratiue/but also in the other two is conteyned and must be fetched out of thre places / that is to say of beneuolence/attencion/& to make the mater easy to be knowen / whiche the Rhetoricians call Docilite.

¶ Beneuolence is the place whereby the herer is made willyng to here vs/and it is conteyned in the thynge that we speke of/ in them whom we speke to/& in our owne person. The easyest and moste vsed place of beneuolence consysteth in the offyce or duety of the person/ whan we shew that it is oure duety to do that we be aboute.

¶ Out of this place is fet the preamble of saynte Gregory Nazazene / made to the prayse of saynt Basyl/ where he sayth that it is his duety to prayse saynt Basyll for thre causes. For the grate loue and frendeshype that hath ben always betwene thē/ and agayne for the remembraunce of the moste fayre and excellent vertues that were in hym / and thyrdely that the churche myght haue an example of a good & holy Bysshop. ¶ Trewly by our authours lycence me thynketh that in the preāble Nazazen doth nat only take beneuolēce out of the places of his owne person/but also out of ē other two/ whan de sheweth the cause

of hys duetye/ for in prayſynge hys freude he dyd but his duetye. In prayſynge hys vertues/he cam to the place of benevolēce of hym that he ſpake of / as touchynge the example that the churche ſhulde haue / it was for theyr profyte/and concernyng the place of benevolence / taken of them that he ſpake to. But our authour regarded chyefly the principall propoſycyon/which was that ſaynt Gregory Nazazene was bounde to prayſe ſaynt Baſyll.

¶ A lyke example of benevolence taken out of the place of offyce or ducty/is in the oracyon that Tully made for the Poete Archyas/whiche begynneth thus.

My lordes that be here iuges yf there be in me any wyt / whiche I knowe is but ſmall/or yf I haue any crafty vſe of makynge an oracion/wherin I denye nat but that I haue metely exercyſed my ſelfe or yf any helpe to that ſcyence cōmeth out of other lyberall artes/ in whome I haue occupied all my lyfe/ſurely I am boūde to no man more for them than to Archyas / which may lawfully if I may do any man any profyte by thē / chalenge a chyefe poſ-ſyon for hym therin.

¶ Out of this place dyd this ſame Tully fetche the begynnynge of his fyrſte epiſtle/ in whome he wryteth to one Lentulus on

hys

thys maner: I do so my duety in all poyntes to warde you/ and so great is the loue and reuerence that I bere vnto you that all other men saye that I can do no more/ and yet me semeth that I haue neuer don that that I am bounde to do / eyther to you or in your cause.

¶ we may also get benenolence by reason of them / whome we make our oracion of: As yf we saye that we can neuer prayse hym to hyghly/but that he is worthy moche more laude and prayse. And so taketh saint Nazazene benenolence in his sayde oracion for saynt Basile.

¶ Also of them afore whome we speke/as yf we say/it is for theyr profyte to laude or prayse the person. And that we knowe bery well howe moche they haue alwayes loued hym / and that he ought therfore to be prayscd the more for theyr sakes. The maner is also to get vs benenolence in the preface of our oracyon/ by pynchynge and blampnge of our aduersarie. As doth Tulye in the oracion that he made for one Aulus Cecinna / wherin he begynneth his proeme thus. If temerie and lake of shame coulde as moch preuaile in plees afore the iustices/ as dothe audacite and temerarious boldenesse in the feldes & deserte places/ there were no remedie but euen so must

Aulus Cecina be ouer come in this matter by Sextus Ebucius impudẽce/ as he was in the felde ouercome by his insidious audacite. And these be the commune formes of benenolence.

¶ A man may also fetche his pheme out of the nature of the place wher he speketh/ as Tullye dothe in the oracyon made for Pompeius for the sendynge of hym into Asie agaynst kynge Mithridates of Pontus/ and kynge Tigraues of Armenie on this maner: howbe it my lordes & maisters of this noble cite of Rome/ I haue al tymes thought it a synguler reioyse to me if I myght ones se you gadred to gyther in a cõpany/ to here some publique oracion of myne/ and agayne I iudged no place to be so ample and so honourable to speke in as thys is, &c.

¶ Or he maye begyn at the nature of the tyme that is then/ or at some other circũstaunce of his mater/ as Tully taketh the begynnynge of his oracion for Celius at the tyme/ this wyse.

¶ If so be it my lordes iudges any man be nowe present here that is ignorãt of your lawes/ of youre processe in iudgementes & of your customes/ surely he may well marnell what so beynous a mater this shulde be/ that it onely shulde be syt vppon in an

hygh

bygh feaste day/whan all the comonalyte after theyr olde custome are gyuen to the sight of playes/ordeined after a perpetual vsage for the nones for them/ all maners of the law layd for the tyme vtterly a part.
¶ He began also an other oracion for one Sextus Roscius/out of the daūger of the season that he spake in.
¶ One may beside these vse other maner of prohemes. whiche bycause they are nat fet out of the very mater it selfe/ or els the circumstaunces/as in these aforsayd they are called peregrine or straūge prohemes. And they be taken out of sētences/solēpne petitions/maners or customes/lawes/statutes of nacions & contreys. And on thys maner dothe Aristides begyn his oracion made to the prayse of Rome.
☞ Demosthenes in his oracyon made agaynste Eschines/ toke his preface out of a solempne petycyon/ beseechynge the goddes that he myght haue as goode fauour in that cause/ as he had founde in all other maters that he had done afore for the comon welthe. ☞✱☜
¶ In lyke maner begynneth Tully the oracion that he made for one Murena/ & also the oracyon that he made vnto the Romaynes after his retourne from exyle.
¶ He begynneth he also an other oracyon/

whiche he made as touchynge a lawe decreed for the diuision of feldes amonge the comunes out of a custome amonge them/ on this wyse.

¶ The maner and custome of our olde faders of Rome hathe bene. &c. And this is the maner of prefaces in any oracyon/ whiche is also obserued in the makinge of epystles/ howebeit there is farre lesse crafte in them than is in an oracyon.

¶ There is yet an other fourmes maner to begyn by insinuacion/ wherfore it behoueth to knowe that insinuacion is/ whā in the begynnyng yf the mater seme nat laudable or honest/ we fynd an excuse therfore.

¶ Example / Homere in his Iliade describeth one Therstites/ that he was moste foule and euyll fauored of all the Grekes that came to the batayle of Troye/ for he was both gogle eyed/ and lame on the one legge/ with croked and penched shulders/ and a longe pyked hede/ balde in very many places. And beside these fautes he was a great folysshe babler / and ryght foule mouthed/ and ful of debate and stryfe/ tarrynge alwayes agaynste the heddes and wyse men of the armye.

¶ Nowe if one wolde take vpon hym to make an oracion to the prayse of his losel/ whiche mater is of litle honesty in it selfe/ he muste

he muſt vſe in ſtede of a preface an inſinuacion. That what thynge poetes or commune fame doth eyther prayſe or diſprayſe ought nat to be yyuen credence to/but rather to be ſuſpecte. For ones it is the nature of poetes to fayne and lye/ as bothe Homere and Virgile/ which are the princes and heddes of al poetes to witneſſe thē ſelfe. Of whome Homere ſayth/ that poetes make many lies/and Virgile he ſayth The moſte part of the ſene is but decepte. Poetes haue ſene blake ſoules vnder the erthe/poetes haue fayned and made many lyes of the pale kyngdome of Plato/ and of the water of Stegie/ and of dogges in hell. And agayne cōmune rumours howe often they ben vayne / it is ſo open that is nede nat to be declared. wherfore his truſt is that the hearers wyll more regarde his ſaynge then fayned fables of poetes / and fleyng tales of lyght folkes / whiche are for the more parte the grounders of fame and rumours.

¶ An example may be ſet out of the declamacion that Eraſmus made to the prayſe of folyſthenes.

¶ An other example hath the ſame Eraſmus in his ſeconde boke of Copia/ whiche is this. Plato in the fyfte dialogue of his commynalitie wyllethe that no man ſhall

haue no wyfe of hys owne / but that euery woman shalbe commune to euery man. If any man than wolde eyther prayse or defende this mynde of Plato / which is both contrarie to Christes religion and to the commune lyuynge of men / he myght as Erasmus teacheth / begynne thus.

¶ I knowe very well that this matter whiche I haue determyned to speake of / wyll seme vnto you at the fyrste herynge / nat onely very straunge / but also right abhominable. But that nat withstandynge / yf it wyll please you a litle while to deferre your iugemēt tyll ye haue herde the sūme of suche reasons as I wyll bryng for the in the cause / I doubte nothynge but that I shall make the trouthe so euydent that you all wyll with one assent approue it / & knowlege that ye haue ben hytherto marueilously deceyued in your opynyon / and somdele to alleuiate your myndes / ye shall vnderstande that I am nat my selfe authour of the thynge / but it is the mynde & sayenge of the excellent & moste hyghly named philosopher Plato / whiche was vndoubted so famouse a clerke / so discrete a man / and so vertuouse in al his dedes / that ye may be sure he wold speke nothyng but it were on ryght perfite grounde / and that the thynge were of it selfe very expedient / thought

thoughe peraduenture it shewe ser otherwyse at the fyrste herynge.

☞ In all prefaces or preambules muste be good hede taken that they be not to ser set nor to longe.

¶ These affectuouse wordes / I reioyse / I am sory / I maruayle / I am glad for your sake / I desyre / I fere / I pray god / and suche other lyke be very apte for a preface.

¶ Of the seconde place of a preface called Attencyon.

THe herers shalbe made attente or dylygente to gyue audyence yf the oratour made promyse that he wyll shewe them newe thynges / or els necessary or profytable / or yf he saye that it ys an harde mater that he hathe in handelynge or els obscure and nat easy to be vnderstode excepte they gyue ryght good attẽdaunce wherfore it is expedient that yf they wyll haue the percepcyon of it that they gyue a good care. But as concernynge the newnes or profyte of the matter it maketh nat all onely the herar to gyue a good care whiche thinge is callyd attencion but also it maketh him well wyllynge to be prestẽte whiche is beneuolence.

¶ Docilite

Docilite

Docilite whereby we make the matter playne and easy to be perceyued/ is nat greatly required in this kinde of oracyon/ for it is belongynge properly to derke and obscure causes/ in whiche we muste prompte that we wyll nat vse great ambages/ or to go (as men saye) rounde about the busshe/ but to be shorte and plaine.

¶ Of narracion whiche is the seconde parte of an oracion.

¶ The Narracion or tale wherin persones are praysed/ is the declarynge of theyr lyfe and doynges after the fasshyon of an hystorye. The places out of the whiche it is sought are: The persones byrthe. His chyldhode. His adolescencie. His mānes state. His olde age. His dethe and what folowethe after.

In his byrthe is consydered of what stocke he came/ what chaunsed at the tyme of his natiuite or nighe vpō/ in the natiuite of Chryste shepeherdes harde angelles synge.

¶ In his chyldhode are marked his bryngynge vp & tokens of wysdome cōmynge: As Horace in his furthe Satire sheweth/ howe in his chyldhode his father taught hym by examples of suche as were than lyuynge to flee from vice and to gyue hym selfe to vertue.

¶ In adolescence is consydered where to be than gyuethe hym selfe. As in the fyrst comedie of Terence one Simo telleth his seruaunt Dosia / that thoughe all yonge men for the more parte gyue them selfe to some peculiare thynge / wherin they sette theyr cheife delyght/as some to haue goodly horses / some to cherysshe houndes for huntyng/ & some are gyuen onely to theyr bokes / his sõne Panphilus loued none of these more one thã an other / and yet in all these he exercised hym selfe mesurably.

¶ In mannes state and olde age is noted what office or rule he bare among his citizens/or in his contrey/what actes he dyd/ howe he gouerned suche as were vnder hi howe he prospered/ & what fortune he had in suche thynges as he went about. Exãple here of is in Salust/ whiche cõpareth together Cato and Cesar/sayeng that bothe theyr stocke / age and eloquence were almoste lyke and egall/theyr excellent and greatnes of spirite and wytte was also lyke and egal/and lyke fame and worshyppe had they bothe attayned howe beit not by a lyke waye. Cesar was had in great estymacyon for his benefites and liberalyte. Cato had gotten hym a name for his perfyght & vpryght lyuynge. Cesar was prayse for his gentilnes and pitie. Cato was

honored

honored for his erneſtnes and ſurete.

¶ The tother wanne moche bruyt by gy vynge large gyftes/ by helpynge ſuche as were in dyſtreſſe and by forgiuyng of treſpaſſes done agaynſte hym. Catous fame dyd ſprede be cauſe he wold neither be forgyuen of none offence/neither forgiue non other/ but as any man had deſerued/ſo to cauſe him to be delt with. In the one was great refuge to ſuche as were in myſery: In the other was ſore punyſhment and perdicion to myſdoers and cuyl trangreſſours of the law. Briefly to cõclude it was al Cezars mynde and pleaſure to labour dilygently nyght and daye in his frendes cauſes; to care leſſe for his owne buſynes than theyrs/ to deny nothynge that was worthy to be aſked/ his deſyre was euermore to be in werre/ to haue a great hooſt of mẽ vnder his gouernaunce/ that by his noble and hardy faytes his valyantnes myght be the more knowen & ſpred abrod. Contrarily all Catons ſtudy was on tẽperaũce/ and to do in no maner otherwyſe than was conuenient & ſettynge for ſuche a man as he was; and chiefly he ſette his mynde to ſeuerity he neuer made no comparyſon with the riche man in richeſſe/nor with the myghty man in power. But yf nede required/ with the hardy mã in boldnes/

tres / with the temperate in moderacyon / with the good man in innocency & iust dea ling. He cared nat for the name / it was suf ficiēt to hym to haue the dede / & so / the lesse he cared for glorye / the more alwayes he opteyned. Many suche comparysons be ry profitable for this intēt / are also in Plu tarche in his boke of noble mennes lyues. ¶ A goodly ensāble of this place is in the oracyon that Hermolaꝰ Barbarus made to the emperour Frederike and Maximi lian his son / which for bicause it is so long I let it passe. ¶ A lyke ensample is in Tul lyes oracyon / that he made to the people of Rome for Pompeyus / to be sent agaynste Mythrydates.

¶ Some there be that deuide the landes of persons into thre kyndes of goodes be gynnynge the narracion at them / whiche thynge our author dothe not greatly com mende / but rather in reherslyng of any per sons dedes / yf they can nat be kept an or der of historie / and many thynges must be spoken. It were after his mynde better to touche fyrst his actes done by prudence / & nexte by iustice / thyrdely by fortune of the mynde / and last by temperaunce / and so to gather the narracion out of this foure car dinall vertues. As if one shuld prayse saint Austen / after that he hath spoke of his pa

rentele

tentele and bryngynge vp in youth/and is come to the rehersall of his actes/ they may be conueniently distributed into the places of vertues. On this maner dyd Tully prayse Pompey.

¶ I suppose(sayeth he) that in hym that shulde be a hed capitayne ouer a great army ought to be foure thynges. Knowlege of werre/valiantnes/auctorite/& felicite.

¶ Here is to be noted that in rehersynge any persones actes / we may haue our chief respecte to some peculiare and prynceypall vertue in hym/enlargynge and exaltynge it by amplificacion in maner of a digression.

¶ Our author in this worke maketh no mencyon of the laste place that is deathe and suche thynges as folowe after/ but in an other greater worke he declareth it thy briefly. ¶ The dethe of the persone hathe also his prayses / as of suche whiche haue ben slayne for the defence of their contrey or prynce.

¶ A very goodly ensample for the handelynge of this place is in an epistle that Angele Policiane writeth in his fourth boke of epistels to James Antiquarie of Laurence Medices/howe wysely and deuoutly he dysposed hym selfe in his dethe bed/ and of his departynge / and what chaunsed at that tyme.

¶ And

¶ And so to conclude an oracion demonstratiue / wherein persones are lauded / is an historyall exposycyon of all his lyfe in order. And there is no difference betwene this kynde and an history / saue that in historyes we be more briefe and vse lesse curiosytie. Here all thynges be augmẽted and coloured with as muche ornamentes of eloquence as can be had.

¶ Confirmacion of our purpose / and confutynge or reprouynge of the contrarye / whiche are the partes of contencyon / are nat requysyte in this kynde of oracyon / for here are nat treated any doubteful maters to whom contencyon pertaynethe. Neuer the lesse / sõtyme it happenethe (howe be it it is seldome) þ a doubte may come / which must be either defẽded / or at ẏ leste excused.

¶ Example.

THe frenche men in olde tyme made myghty warre agaynst ẏ Romayns and so sore besyged them that they were by compulcyon constrayned to fal to composycyon with the frenche men for an huge summe of golde / to be payed to them for the breakynge of the syege / but beynge in this extreme mysery / they sent for one Camyllus / whome nat very longe afore they had banysshed out of the citie / and in his absence made hym dictatour / whiche

was the chyefest dignitie amonge the Romaynes / and of so great auctoritie / that for the space of thre monethes / for so longe dured the offyce most cōueniently / he myght do all thynge at his pleasure / whether it concerned dethe or no / for no man so hardy ones to say nay agaynste any thynge that he dyd / so that for the space he was as a kynge / hauyng al in his owne mere power Nowe it chaunced that while this summe was in payenge / & nat fully wayed / Camillus of whome I sayd afore / that beyng in exile he was made dictatour / came with an army / and anone bad sease of the payment / and that eche party shulde make redy to batyle / and so he vainquisshed the frenche men.

¶ Nowe yf one shulde prayse hym of his noble faytes / it shulde seme that this was done contrary to the lawe of armes / to defayt the frenche men of the raunsom due to thē / syns the compacte was made afore wherfore it is necessary for the oratour to defende this dede / and to proue that he dyd nothyng cōtrary to equitie. For ꝑ whiche purpose he hathe two places. One apparent / whiche is a comon sayenge vsurped of the poete. Dalus an virtꝰ quis in oste requirat. That is to say who wyll serche whether the dede of enemy agaynste enemy be

eyther

either gyle or pure valyantnes: But for that in warre lawe is as well to be kept as in other thynges. This sayeng is but of a feble grounde. The other is of a more strōge assuraunce/ whiche Titus Liuius writeth in his fyfte boke from the buyldynge of Rome/ where he reherceth this hystory nowe myncyoned/ and that answere is thy that the compacte was made to paye the forsayd raunsome after that Camillus was created dictatour / at what tyme it was nat lawfull that they whiche were of ferre lesse auctorite / ye and had put themselfe holy in his hande / shulde entermedle them with any maner of treatise without his lycence / and that he was nat bounde to stande to theyr bargayne. The whiche argumente/ is deducte out of two circumstaunces / wherof one is the tyme of the makynge of the compacte / and the other/ the persons that made it / which two circūstaūcy may briefly be called whā / & who.

¶ Lykewyse yf an oracyon shuld be made to the laude of saynt Peter/ it behoueth to excuse his denyenge of chryste/ that it was rather of diuine power and wyll: thā other wyse/ for a comfortable exāple to synners of grace yf they repente. ☞

This is ꝑ maner of hādelyng of an oracio demōstratiue/ in which ꝑ persō is prayed.

¶ The

¶ The author in his greater worke declareth the fashyon by this example.
¶ If one wolde praise kynge Charles/ he shulde kepe in his oracyon this order.
¶ Fyrst in declarynge his parentel / that he was kynge Pipines sone/ whiche was the fyrste of all kynges of Fraunce named the moste chrysten kynge / and by whome all after hym had the same name / and Nephien to Martell / the most valiaũtest prince that euer was. Nexte/his bryngynge vp vnder one Peter Pysane / of whom he was instructe bothe in Greke and Laten. Than his adolescencie/ whiche he passed in exercise of armes vnder his fader in the warres of Acquitaine/ where he lerned also the Sarazynes tonge.
¶ Beynge come to mannes state / & nowe kynge of Fraunce/ he subdued Aquitayn/ Italye/ Swauelande / and the Saxones. And these warres were so fortunate/ that he ouercame his aduersaries more by auctoritie & wysdom thã by effusyon of blode.
¶ Also many other notable examples of vertue were in hym in that age / specyally that he edified the vniuersitye of Paris.
¶ Here maye by digression be declared howe goodly a thyng lernyng is in Prynces. Chiefly suche condicion appertayneth to vertue and and good laynge.

¶ Here

¶ Here may be also made comparison of his vertues in warre/ & of other agreynge with peace / in the whiche (as his history maketh mencyon) he was more excellent. For his chyefe delyte was to haue peace/ & agayne he was so gentyll and so mercyfull that he wolde rather saue cuyn suche as had done hym great offence: & had deserued very well for to dye/thā to dystroye them/ thoughe he myght do it conuenyently.

¶ Besyde this / he was so greatly enflamed in the loue of god and his holy church that one Alcuine a noble clerk of England was continually with hym/ in whose preachynge and other gostely communicacion he had a chiefe pleasure. His olde age he passed in reste and quyetnes fortunately/ saue for one thyng/that his sonnes agreed euyll betwene them.

¶ After his decease reigned his sōne/ holy saint Lewes/and so the folowinges of his dethe were suche that they colde be no better/and a very great tokē of his good and vertuouse lyuynge. For yf an yll tre can bryng furthe no good fruite/what shal we suppose of this noble kynge Charles / of whom cam so vertuouse and so holy a son Truely me thynketh that hyther may be nat incōueniētly applied the sayēgs of the gospel/by theyr fruits you shal knowe thē.

¶ Of an oracion Demonstratiue/ wherein an acte is prayſed.

WHan we wyll prayſe any maner of dede/the moſt apte preamble for that purpoſe ſhall be to ſay that the mater pteineth to the cõmodities of them which here vs.

¶ Example.

WHan the Romaynes had expelled theyr kynge / whõ the hiſtoricyens cal Tarquine the proude/out of the citie/ and fully enacted that they wolde neuer haue kynge to reigne more ouer them This Tarquinus wente for ayde and ſocour to the kynge of Tuſcaye/which whã he could by no menes ẽtreat the Romains to receiue agayn theyr kyng / he cam with all his puyſſaunce agaynſt the citye/ and there longe ſpace beſieged the Romaynes by reaſon wherof / great penury of whete was in the citye/and the kynge of Tuſcay badde great truſte / that continuynge the ſiege/he ſhulde within a lytel lenger ſpace compell the Romaynes thrꝛough famine to yelde them ſelfe.

¶ In the meane ſeaſon a yonge mã of the citie named Gaius Mucius / came to the Senatours and ſhewed them that he was purpoſed yf they wolde gyue hym licence to go furthe of the citye to do an acte that

ſhulde

shuld be for they? great profite and welth/ whereupon when he had obteined licence/ priuely/with weapō hyd vnder his vesture he cam to the Tuscans campe/ and gate hym amonge the thyckeste/ nyghe to the tent where as the kyng sat with his chaū-celler/payenge the sowdiers they? wages. And bycause that they were almost of lyke apparel/and also the chaunceler spake ma-ny thynges as a man beynge in auctorite/ he coulde nat tell whether of them was the kynge/nor he durste nat aske/ lest his demaunde wolde haue bewrayed hym/for as for languaage they had one/ & nothynge was different / for bothe Tuscains and Romayns were all of Italye/as in tymes past/Englande hathe had many kynges/ thoughe the languaage and peple were one And thus beynge in doubt whether of the he myght stepe vnto/by chaūce he strake the chaunceller in stede of the kynge / and slewe hym/wherfore whan he was taken and brought before the kynge/for to punis-she his hande that had fayled in takynge one for an other/ and agayne to shewe the kyng howe lytle he cared for his menaces he thrast his hande into the fyre / whiche at that tyme was there prepared for sacri-fyce / and there in the flame let it brenne/ nat ones mouynge it. The kynge greatly

meruaylynge at his audacitie and hardy nature, commended hym greatly thereof/ and [illegible] hym go his way free. For the which (as though he wolde make the kynge a great amendes) he fayned that .iii.C. of the noblest ponge mē of Rome had conspyred to gyther in lyke maner euery one after another vnwares to slee hym/ and all to put theyr bodyes and lyues in hasarde tyll tyme shulde chaunce that one myght atchyue theyr entent. Forfere whereof the kynge furthwith fel at a pointement with the Romaines/ and departed. The ponge man after warde was named Sceuola/ whiche is as muche to say in Englysshe as lefte hāded. For as I haue rehersed afore/ he brente his ryght hande / so that he had loste the vse therof. ☞✶☜

¶ If any oratour wolde in an oracyon commende this dede / he myght conuenyently make the preface on this fashyon.

There is no doubte my lordes and maysters of Rome: but that the remembraunce of Sceuolas name is very pleasant vnto your audience / whiche with one acte that he dyd / endewed your citie with many a greate cōmodyties. &c.

¶ This maner of preface is moste conuenyent and best annexyd to suche maner of oracyons demonstratyues.

¶ Newe

¶ Neuer the lesse it is lawfull for vs to take our preface (yf it be our pleasure) oute of some circumstaunce / as out of [illegible] place that our oracion is made in / or out of the tyme that we spake in / or els otherwyse accordynge as we shall haue occasyon / As Tullye / in the oracyon that he made for the restitucyon of Marcus Marcellus / in the whiche he prayseth Cezare for the callynge home of the sayd Marcus marcell⁹ out of exyle / he taketh his preamble out of the tyme & Cezares perſō / begynnynge th⁹.

THis daye my lordes Senatoures that be made an ende of the longe silence that I haue kepte a great whyle / nat for any fere that I had / but part for great sorowe that was in me / and partly for shame / this daye as I sayd hathe take away that longe silence / ye / and besyde that of newe brought to me luste and mynde to speke what I wolde / and what I thought moste expediēt / lyke as I was afore wont to do. For I can nat in no manner of wyse refrayne / but I muste nedes speke of the great mekenes of Cezare / of the graciousnes that is in hym / so habundant and so great withall / that neuer afore any suche hathe ben wont to be sene or harde of / and also of the excellent good moderacyon of all thynges whiche is in hym that hathe

all in his owne mere power. For I can nat let passe his excellent in credible / and diuine wysdome vnspoken of / afore you at thys tyme.

¶ Of the Narration.

In this kynde we vse but selden hole narracions / oncles we make our oracion afore them that knowe nat the history of the acte or dede whiche we be aboute to praise. But in stede of a narracio we vse a proposycion / on this maner.

Amonge all the noble dedes Cesar that you haue wne there is non that is more worthy to be praysed then this restitucion of Marke Marcell.

¶ Of Confyrmacion / whyche is the fyrste parte of Contencion.

The places of confyrmacyon are honesty / perfite / lyghtnes / or hardines of dede. For after the proheme of the oracion and the narracyon / then go we to the prouynge of our mater. Fyrst shewing that it was a very honeste dede. And nert / that it was nat all onely honesty: but also profitable. Thyrdely as concernynge the easines or difficulti / the praise therof muste be consydered / part in the doer / part in the dede. An easy dede deserueth no great prayse / but an harde / a leoperdouse thyng / the lower and the lyghtlyer it is archeued / the

more

more it is to be lauded. The honesty of the cause is fet from the nature of the thynge that is spoken of/whiche place lieth in the wytte of the oratour/and maye also be fet out of the phylosophers bokes. It is also copiously declared of Rhetoryciens/ and very compendiously handled of Erasmus in his boke/entituled of the maner & craft to make epistles/ in the chapitre of a persuadynge epistle. The profyte of the dede/ or the commoditie may be fet at the circũstaunce of it. Circũstaũces are these/what was done/who dyd it/whan/where it was done/amonge whom/by whose helpe.

¶ As if one wolde praise Scevolaes acte/ of ỳ which mencio was made afore he may ¶ whan he cometh to the places of contencion/shewe fyrste howe honest a dede it is for any man to put his lyfe in ieoperdy for the defence of his contrey/whiche is so muche the more to be commended that it came of his owne mynde/ and nat by the instigacion of any other/ and howe profitable it was to the citie to remoue so stronge and puyssaunt an enemy by so good and crafty policy/what tyme the citie was nat wel assured of all mẽnes myndes that were within the walles/ cõsiderynge that but a lytle afore many noble ponge men were detected of treason in the same business. And

then

then also the citie was almoste destitute of vitailes/and all other commodities necessary for the defence.

¶ Lyke wyse easynes or difficultie are contayned in the circumstaunces of the cause. As in the example nowe spokē of/what an harde enterprise it is for one man to entre into a kynges armye/and to come to the kynges pauiliō in the face of his souldiers to aduenture to slee hym.

¶ Of the seconde parte of contencion/called confutacion.

COnfutacion is the soilynge of suche argumentes as maye be induced agaynste our purpose/whiche parte is but lytle vsed in an oracion demonstratiue. Neuer the lesse/sōtyme may chaūce a thynge that muste be eyther defended or els at the leste excused. As if any mā wolde speke of Camillus dede/wherby he recouered his cōtrey/& delyuered it frō the handes of the Frenche mē. Here must be declared that the bargayne made afore was nat by Camillus violate.

¶ Of the conclusion.

THe cōclusion is made of a brife enumeracion of suche thynges that we haue spoken of afore in the oracyon and in mouynge of affections.

¶ In delectable thinges or suche thinges

that

that haue bene well done / we moue our audyence to reioce there at / and to do lyke. ¶ In sad thynges and heuy / to be sory for them. In yll and peruerse actes / to beware that they folowe nat them to theyr great shame and confusyon.

¶ Of an oracion demonstratyue / wherin are praised neither persones nor actes / but some other thynge / as religion / matrimony / or suche other.

THe beste begynnynge wyl be if it be taken out of some hygh prayse of the thynge. But a man maye also begynne otherwyse / eyther at his owne person or at theyrs afore whom he speketh / or at the place in the whiche he speketh / or at the season present / or otherwyse / as hathe afore ben specified / and here must we take good hede that yf we take vpõ vs to praise any thynge that is no praise worthy / than muste we vse insinuacyon / and excuse the turpitude / either by examples or by argumentes / as Erasmus bothe in his epistle prefixed afore his oracyõ made to the prayse of folysshnes / of the whiche I haue let passe the translacyon because the epistle is somwhat longe.

¶ The narracyon.

IN this maner of oracyon is no narracyon / but in stede therof the Rhe-

toricyens

torycyens al only propose the mater. And this proposiō is in ẏ stede of the narracyō.

¶ A very elegāt example is in the oracion that Angele Politiane made to the laude of histories / whiche is this. Amonge all maner of wryters by whome either the Greke tounge or the latine hathe bene in floure and excellence / without doubte me semeth that they dyd most profyte to mākynde / by whom the excellent dedes of nacyons / prynces / or valyant men haue bene truely descryued and put in cronicles.

¶ Lykewyse yf a man prayse peace / and shewe what a commodiouse thynge it is he maye make suche a proposycyon.

AMonge all the thynges whiche perteine to mānes commoditie / of what someuer condycyon or nature so euer they be / non is so excellent and so worthy to be had in honour and loue / as is peace.

¶ The confyrmacyon.

THe places of confyrmacyon bein this oracyon. The same that were in the other (of whom mencion was made afore / honesty / profyte / easynes / or difficulty. Honesty is consydered in the nature of the thynge / also in the persones that haue excercysed it / and the inuenters therof. And in the auctour of it. As in the laude of matrymony be consydered the

auctour

auctour thereof/ whiche was god hym sel-
fe / the antiquite that it was made in the
fyrst begynnynge of the worlde/ & cõtinued
(as reasõ is) to this hour in great honour
and reuerẽce. The persones that haue vsed
it were bothe patriarches/as Abraham.
Prophetes/as Dauyd. Apostels/ as sayn̄t
Peter. Martyrs/sayn̄t Eustache. And cõ-
fessours as sayn̄t Edwarde. And (whiche
thynge was fyrste proposed) the nature
therof is suche/that without it: man shuld
be lyke vnto beste / oneles all generacyon
shulde be put aparte. And the commaũde-
ment of almighty god nat regarded / who
bad mã & womã shuld engẽder & multiply.
¶ Profite and easines is considered in the
circumstaunces. Examples may be taken
out of Polycrans oracyons/ made to the
laude of hystoryes. And two oracyons of
Eralmus/one to the laude of physike/and
an other to the laude of matrymony.

¶ Of confutacyon.

Confutacyon hathe contrary places
to confyrmacyon.

¶ Of the conclusyon.

The periode or conclusyon standethe
in the bryefe enumeracyon of thyng̃
spoken afore/ and in mouynge the affecty-
ons/as hathe bene about expressed.

¶ Of

¶ Of an oracyon deliberatiue.

AN oraciō deliberatiue is by the whi che we ꝑsuade or dissuade any thig/ and by the which we aske/or where by we exorte any man to do a thynge / or els to forsake it/and this kynde of oracion is muche in vse/nat onely in ciuile maters: but also in epistles.

¶ Of the preamble.

WE may begynne our oracion in thꝫ kynde/ euyn lyke as we dyd in an oracyon demonstratyue/but moste aptly at our offyce or duety/leste some men wolde thynke that we dyd it more of a priuate affectiō for our owne cōmodite & plesure:than for any other mannes profyte.

¶ And in this maner Salust in his boke of Cathelyne bryngeth in Cezare / begynnynge an oracyon. But let vs here nowe what Cezar sayeth.

ALl men my lordes Senatours whiche syt coūcellyng vpon any doubtfull maner/muste be voyde of hatred/frēdshype/anger/ pitye/or mercye. For where any of these thynges bere a rule / mannes minde cā nat lightely ꝑceiue the truthe.&c.

¶ Or els we may begyn at the gretenꝫ of the mater/or daūgēr of the thyng that we speke of/as in the fyfte boke of Liui⁹. Camill⁹ maketh the preāble of his oraciō th⁹

My

My maysters of this Citie of Ardea/ whiche haue ben alwayes myne old frendes/ & nowe (by reason of myne exyle out of Rome) my newe neyghbours and citizens. For I thanke you of your goodnes you haue promysed that it shulde so be/ & on the other syde my fortune hathe constrayned me to seke some newe dwellyng out of the citie where I was brought vp and enhabyted. I wolde nat that any of you shulde thynke that I am nowe come amonge you nat remembrynge my cōdicyon and state/ but the comon ieopardy that we be all nowe in/ wyll compell euery man to open and shewe the beste remedy that he knowethe for our socoure in this great fere and necessyty.

¶ Natwithstandynge this/ a man maye take his begynnynge otherwyse/ after any of the facyons afore recyted/ if he lyste.

¶ Tully in the oracion/ wherin he aduised the Romaynes to make Pompey theyr chyefe capytayne againste Mythrydates and Tygranes/ kynges of Ponthus and Armeny/ taketh in the preface beneuolēce from his owne person/ shewynge by what occacyon he myght laufully gyue coūcell to the Romaynes/ bycause he was electe Pretor of the citie. we may also touche our aduersaryes in the preface/ or els we may

touche the maners/ either of some seuerall persons/ or of the commons in generall. As in the oracyon that Porcyus Cato made agaynste the sumptuousnes of the women of Rome/ thus.

If euery man my lordes and maisters of this citie wolde obserue and kepe the ryght and maiesty of a man agaynste his owne wyfe/ we shulde haue lesse encombrance nowe with the bole througe than we haue. But nowe our fredome & lyberte is ouercome within our owne dores by the importunatnes of our wyues/ and so audicitie take therof here trooen vnder the fete/ and oppressed in the parlyament house. And by cause we wold nat displease no man his owne wyfe at home: here are we nowe combred with all/ gathered to gyder on a hepe/ & brought in that takinge that we dare nat ones open our lyppes agaynste them &c.

¶ We may also begyn at the nature of the tyme that we speke in/ or at the nature of the place/ or at any other circumstaunce or thynge incident. As Liuius in the .ix. boke of his fourthe decade agaynste the feastes that the Romaynes kept in the honour of the pdolysshe god Bacchus/ begynneth his oracyon at prayenge on this wyse.

¶ The

The solempne makynge of prayers vnto the goddes was neuer so apte nor yet so necessary in any oracyon as it is in this/whiche shall shewe and admonyshe you that they be very ryght goddes/whom our elders haue ordeyned to be worshypped/adoured/and prayed vnto.

¶ Brefly in all prefaces belongynge to oracyons delyberatyues the offyce of the persõ:& the necessytye or cõmodytye of the matter that we treate of are consydered.

¶ The narracyon.

IN oracyons dylyberatyues we vse very seldome narracyons/but for the more parte in stede of thẽ we make a brefe proposycõ conteynynge the summe of our entent. As nowe adayes nothynge is so necessary as to labour to bryngc these dissencyons that be in the churche to a perfecte vnite and concorde/ that accordynge to Christes sayenges/ there be but one shepeherde and one folde. Neuertheles we vse sometyme briefe narracyons/ whan that some thynge hathe bene done all redy of that that we gyue our councel vpon/as in the aboue sayd oraciõ that Tully made for Põpey/where he maketh this narracyon.

GReat & very perillous warre is made bothe agaynste your tributours/ and also them that bothe cõfederate with you/

and by you called your fellowes / whiche warre is moued by two ryght myghty kynges/Mythrydates and Tigranes.&c. ¶After this maner is a narracyon in the oracion that Hanibali made to Scipio/ is conteined in the.x.boke of the.iii.decade of Liuius/ ryght proper and elegant without any ꝑface beginning his narracio thꝰ. ¶If it hathe ben ordeined by my fortune and destany that I whiche fyrste of all the Carthaginois began warre with the Romayns/and whiche haue almoste had the victory so often in myne hādes/ shuld now come of myne owne mynde to aske peace. I am glad that fortune hathe prepared that I shulde aske it of you specially. And amonge all your noble lādes this shall nat be one of the leste that Hanibal gaue ouer to you / to whom the goddes had gyuen afore the victorye ouer so many capitains of the Romaynes / and than it was your lucke to make an ende of this warre/in the whiche the Romayns haue had ferre mo euyl chaūces then we of Carthagene. And whether it were my destene or chaūce that ought me this shornefull shame. I whiche began the warre whan your father was Cōsull and after ioyned batayle with him whan he was made Capitayne of the Romayns army/muste nowe come vnarmed

to his son to aske peace of hym. It had ben beste for bothe parties if it had pleased the goddes to haue sent our forefaders that mynde / that you of Rome wolde haue ben content with the Empyre of Italy / & we Caraginoys with Affryke. For neyther Sicil nor Sardynya can be any sufficient amendes to eyther of vs for so many nauies so many armies / so many and so excellent capitaines loste in our warres betwene vs but thynges passed / may soner be blamed than mended. wor of Cartagene (as touching our parte) haue so coueted other dominiõs that at lengthe we had busines ynough to defende our possessions. For the warre hathe nat bene only with you in Italy or with vs onely in Affryke: but at the pleasure of fortune sometyme here and some there / in so muche that you my maisters of Rome haue sene the standerdes and armes of your enemyes harde at your walles and gates of the citie. And we on the other syde haue herde the noyse out of your rampes into our citie.

After the narracyon ought to folowe immediately the proposycyon of our counsell or aduise. As after the narracion of Hanniball afore rehersed / folowethe the proposycyon of his purpose thus.

That thynge is nowe entreated whi-
le fortune is fauourable vnto you/ ꝑ
we ought moste to abhorre/ and you
surely ought aboue all thynges to desyre/
that is to haue peace. And it is moste for
the profyte of vs two/ whiche haue the ma
ter in handelynge that peace be had. And
sure we be/ that what so euer we agre vpō
our cities wyll ratyfye the same.

¶ Nexte foloweth the cōfirmacion of tho
thynges that we ētende to persuade/ whi-
che must be fet out of the places of honisty
profyte/ easynꝫ/ of difficulty. As if we wyll
persuade any thynge to be done / we shall
shewe that it is nat onely honest and lauda
ble: but all so profytable and easy ynough
to perfourme. Or if we can nat chose but
graunte that it is harde/ yet we shall shew
that it is so honest a dede/ so worthy prayse
and besydes so great cōmodity wyll come
therof/ that the hardenes ought in no wyse
to fere vs: but rather be as an instigacyon
to take the thynge on hande / remēbrynge
the greke ꝓuerbe. Scisnola ta nala/ that
is to say / all excellent and commendable
thynges be harde and of dyffyculty.

¶ In honesty are cōprehēded all vertues/
as wysdome/ iustice / due loue to god / and
to our parentes/ lyberality/ pyty constāce/
temperance. And therfore he that wyll for

the

the confyrming of his purpose declare and proue that it is honeste and commendable that he entendeth to pſuade hym: behoueth to haue perfyte knowlege of the natures of vertues And all so to haue in redy-remẽ brance ſentences bothe of ſcripture and of philoſophy/ as oratours and poetes / and beſyde theſe/ crampes of hiſtoryes/ for gar nyſhynge of his maters.

¶ As concernynge the place of vtilite/ we muſt in all cauſes loke if we may haue any argumentes wherby we may proue that our councell is of ſuche neceſſity / that it can nat be choſen but they muſt nedes folowe it/ for tho argumẽtes be of ferre greater ſtrengthe than they that do but onely proue the vtilite of the mater. But if we can haue no ſuche neceſſary reaſons / than we muſte ſerche out argumentes to proue our mynde to be profytable by circũſtãces of the cauſe. In lyke maner to perſuade a thynge by the eaſines therof/ or diſſuade it by the difficulty of the thynge / we muſte haue reſpect to poſſibilite or impoſſibilite/ for theſe proues are of ſtrenger nature thã the other / and he that wyll ſhewe that a thynge may be done eaſely: muſt preſuppoſe the poſſibilete therof. As he on the other ſyde that wyll perſuade a thynge nat to be done/ yf he ſhewe and manyfeſte that it is

impossible/argueth more strongely than if he could but only proue difficulty in it. For as I sayd afore many thyngs of difficulty yet may be the rather to be taken in hāde/ that they may get them that achcue them the greater fame and prayse. And these argumentes be fet out of the circumstances of the cause/that is to saye/ the tyme/ the place/the doers/the thyng it selfe/the meanes whereby it shulde be done/ the causes wherefore it shulde be done or nat/the helpes or impedimentes that may be therin. In this purpose examples of histories are of greate efficacy.

¶ The confutacyon is the soylynge and refellynge of other mennes sayenges that haue or myght be brought agaynste our purpose/ wherefore it consysteth in places contrary to the places of confyrmacyon/ as in prouynge the sayenge of the contrary part/neyther to be honeste nor profytable/nor easy to perfourme/or els vtterly impossyble.

¶ The cōclusyon standeth in two thyngs/ that is to saye(a bryefe and compendiouse repetynge of all our reasons that we haue brought for vs afore/and in mouyng of affectyons. And so dothe Vlysses conclude his oracyon in the.xiii.boke of Ouide Metamorphosy.

¶ Of

¶ Of the thyrde kynde of oracyons/called Judiciall.

Oracyons iudiciall be that longe to controuersies in the lawe and pleas/whiche kynde of oracion in olde tyme longed onely to Judges and men of lawe/but nowe for the more parte it is neglecte of them/though there be nothynge more necessarye to quicke the in crafty & wyse hãdeling of theyr maters.

¶ In these oracions the fyrste is to fynde out the state of the cause/whiche is a shorte prepositcion/conteynynge the hole effect of all the controuersies. As in the oracion of Tully/made for Mylo/of the whiche I made mencyon in the begynnynge of my boke. The state of the cause is this. Mylo slewe Clodius lawfully/whyche thynge his aduersaries denyed/and yf Tully can proue it/the plee is wonne.

¶ Here must be borne away that there be thre maner of states in suche oracyons.

¶ The fyrste is called conjecturall. The seconde legitime. The thyrde/iudiciall/ and euery of these hathe his owne proper places to fet out argumentes of thẽ wherfore they shall be spoken of seuerally. And fyrste we wyll treate of state conjecturall/ whiche is vsed whan we be certayne that the dede is done/but we be ignorant who

dyd it/ and yet by certayne coniectures we haue one suspecte/ that of verylykelyhode it shulde be he that hathe commytted the crymc. And therfore this state is called cõiecturall/ bycause we haue no manyfeste proue/ but all onely great lykelyhodes/ or as the Rhetoriciens call thẽ/ coniectures.

¶ Example.

THere was a great contencion in the Grekes army afore Troye betwene Ulisses and Aiax/ after the dethe of Achilles/ whiche of them shulde haue his armour as nerte to the sayd Achilles in valiauntnes. In whiche cõtrouersye whã the Grekes hadde Judged the sayde armour vnto Ulisses/ Aiax for very great disdayne fel out of his mynde/ and shortly after in a wode nygh to the hoste/ after he had knowen (whan he cam agayne to him selfe) what folysshe prankes he had played in the tyme of his phrenesy/ for sorow and shame he slewe hym selfe. Sone vpon this dede cam Ulisses by/ whiche seynge Aiax thrust thrughe with a swerde: cam to hym and as he was about to pul out the swerd/ the frendes of Aiax chaunced to come the same way/ which seyng they frẽde deade/ and his olde enemy pullynge out a swerde of his body/ they accused hym of murder.

¶ In

¶ In very dede here was no proffe. For of truthe Ulisses was nat gylty in the cause. Neuertheles the enuye that was betwene Aiax and hym: made the mater to be nat a lytlye suspecte / specyally for that he was foũde there with the sayd Aiax alone / wherefore the state of the plee was cõiectural / whether Ulisses slewe Aiax or nat.

¶ The preface.

The preface is here euyn as it is in other oracions. For we begyn accordynge to ỹ nature of ỹ cause that we haue on hande / either in blamyng our aduersary / or els mouyng the herers to haue pity on our client. Or els we begyn at our owne ylon / or at the praise of the Juge. &c.

¶ The narracion

The narracõ or tale is the shewynge of the dede in maner of an history / wherin the accuser muste craftly entermẽgle many suspicyons whiche shall seme to make his mater prouable. As Tully in his oracion for Milo / where in his narracyon he intendeth by certayne coniecturers to shewe that Clodius laye in wayte for Milo / he in his sayde narracyon handeleth that place thus.

¶ In the meane season whã Clodius had knowledge that Milo had a lawfull and necessary iourney to the city Lauine the.

xiii. day afore the kalendes of Marche / to poynte who shuld be hed preste there / whiche thyng longed to Milo because he was dictatour of that towne: Clodius sodaynely the day afore departed out of Rome to set vpon Milo in a lordeshyp of his owne / as after was wel perceyued. And suche haste he made to be goynge that where as the people were gadered the same day for maters wherin also he had greate ado hymselfe / & very necessary it had bene for hym to haue bene there / yet this natwithstandyng / al ther thyngs aparte: he wēt his way / which you may be sure he wold neuer haue done / saue onely that he had fully determined to preuent a tyme and place conuenient for his malicius entēt afore Miloes comyng.

¶ In this pece of Tullies narracyon are entermengled fyrste that Clodius knewe of Miloes goynge / whiche maketh the mater suspecte that Clodius went afore to mete with him / for this was wel knowē afore that Clodius bare Milo great gruge & malyce. Next is shewed the place where as Clodius mete Milo / which also giueth a great suspicion / for it was nygh Clodius place / where he myght sone take socour / & the tother was in leste assuraūce. Thyrdly that he departed out of the city / what time it had bene moste expedient / ye and also

greatly

greatly requisite for hym to haue bene at home. And that agayne maketh the matter suspect/for surely he wolde nat(as Tully hym selfe sayeth) in no wyse haue bene absent at suche a busy tyme/ onles it had bene for some great purpose/& what other shulde it seme than to slee Milo. As surely euedēt it was that they buckled to gyther/ and this was well knowen that Milo had a necessary cause to go furth of Rome at that tyme. Contrarylye in Clodius coulde be perceyued none other occasyō to depart than out of the citie: but of lykelyhood to lye in wayte for Milo.

¶ The proposicion.

OUt of the narracion must be gaderyd abryfe sentence / wherein shall stande the hole pithe of the cause/for Rhetoriciēs put incontinent after the narracyon diuysyon/whiche is a part of confirmacyon / and dothe brefly shewe wherin the cōtrouersy dothe stande/ or what thynges shalbe spokē of in the oracion. This diuision is deuyded into seiunction and distribucion.

¶ Seiunction is whan we shewe wherin our aduersaries and we agree/ and what it is/wherupon we stryue. As they that pleydyd Clodius cause agaynste Milo/mygbt on this maner haue vsed seiunction. That Milo slewe Clodius: our aduersaries can

nat

nat denaye/ but whether he mygbt so do lawfully or nat/is our controuersy. Distribucion is the proposicion wherein we declare of what thynges we wyll speke/ of whiche yf we propose howe many they be/ it is called enumeracion / but yf we do nat expresse the nombre/it is called exposicion. ¶ Example of bothe is had in the oracion that Tully made to the people that Pompeyus myght be made chyefe capptayne of the warres agaynste Mithridates and Tigranes / where after the preface and natracyon he maketh his proposycyon by exposycyon thus.

Fyrste I thynke it expedyent to speke of the nature & kynde of this warre/ and after that of the greatnes thereof/and then to shewe howe an hede or chyefe capptayne of any army shulde be chosen. whiche laste membre of his exposycyon he agayne distributeth into foure parties thus as followeth.

¶ Truely this is myne opynyon / that he whiche shall be a gouerner of an hoost/ought to haue these foure ppertyes in hym. The fyrste is/that he haue perfyte knowlege of all suche thynges as longeth to warre. The seconde is that he be a man of his handes. The thyrde that he be a mā of suche auctority: that his dignity maye

cause

cause his souldiers to haue hym in reuerē-
ce & awe. The fourth is that he be fortuna
te & lucky in al thinges that he goeth about.
¶ Tully in the oracio for Milo proposeth
all onely thewynge wherin the cōtrouersy
of the plee dyd stande on thys maner.

SO there than any thynge els that
muste be tryed & iudged in this cause
saue this: whether of them both be beganne
the traye & entended to murder the tother?
No surely. So that yf it can be founden
that Milo went about to distroye Clodi-
us / than he be punysshed therfore accor-
dyngly. But yf it can be proued that Clo-
dius was the begynner and layed wayte
for to slee Milo / and so was the sercher of
his owne deth / & that what Milo dyd it
was but to defende hym selfe frō the treasō
of his enyme & the sauegarde of his lyfe:
that than he may be delyuered and quyte.

¶ Of confyrmation.

THe confyrmacyon of the accuser is
fetched out of these places / wyl / and
power. For these two thynges wyll
cause the persō that is accused to be great-
ly suspecte that he had wyl to do the thyng
that he is accused of / and that he myght
wyll ynough he brynge it to passe.
¶ To proue that he had wyll therto: you
must go to .ii. place. The one is the qualite

of

of the persone / and the other is the cause that meuyd hym to the dede. The qualite of the person is thus handled. For to loke what is his name or surname / and if it be noughty to saye that he had it nat for nothyng: but that nature had such pryue power in men to make them gyue names accordynge to the maners of euery person. Eban next to behold his contrey. So Tully in his oracion made for Lucius Flacc⁹ to improue the wytnes that was brought agaynste hym by Grekes / sayth vnto the the lyghtues of theyr cõtrey. This (sayeth Tully) do I saye of the hole nacion of Grekes. I graunte to them that they haue good kenynge / and the knowlege of many sciences. For I denye nat but that they haue a pleasãt and marueylouse swete speche. They are also people of hygh and excellent quycke wytte and thereto they be very facundiouse. These and suche other qualities wherin they booste them selfe greatly: I wyll nat reppyne agaynst it that they bere the maystry therin. But as concernynge equitie and good conscience / requisite / in berynge of recorde / or gruynge of any wytnes / & also as touchynge faythfulnes of worde and promyse: truely this nacion neuer obserued this property neyther they knewe nat what is the strengthe

auctorite

auctoritye/and weyght therof.

¶ So to Englysshmen is attributed sũptuousnes in meates and drynkes. To Frẽchemen/pryde/ & delyte in newe fantasyes To Flemmynges and Almaynes / great drynkynge/and yet inuentyfe wyttes. To Brytayns/Gascoignes/and Polones/lar eyne. To Spanyerdes/agilitye. To ytalyens/hygh wyt and muche subtylty. To Scottes/boldnes/to Irissh men/ hastines To Boemes valiauntnes and tenacite of opynions.&c.

¶ After that to loke on his kynred / as yf his father or mother or other kynne were of yll disposicion / for as the tre is: suche fruite it berethe.

¶ On this wyse dothe Phillis entwyte Demophon/ that his father Theseus vncurteysly and trayterously lefte his loue Ariadna alone in the desert yle of Naxus/ and contrary to his promyse stale from her by nyght/ addynge. Heredem patria perfide fraudis agis. That is to saye/ vntrewe & false forsworne man/ thou playest kyndely thy fathers heyre / in deceytable begylynge of thy true louer.

¶ After that we muste loke vpon the sex/ whether it be man or woman that we accuse/to se yf any argument can be deducte out of it to our purpose. As in men is noted

audatite / women be comonly tymerouse. Than nexte/the age of the persone. As in Therence Simo speketh of his son Pamphilus/sayeth vnto his man called Sosia/ howe couldest thou knowe his condicions or nature afore / whyle his age and feare/ and his mayster dydiet it to be knowen. ✠ Hipermestra in Ouides epistels ioyneth these.ii. places of sexe & age togyther thus ¶ I am a woman and a yonge mayden/ mylde and gentyll / bothe by nature and yeres. My softe handes are nat apte to syers batayles. ✠

¶ After these folowe strength of body / or agylite / and quickues of wyt/out of whiche may be brought many reasons to affyrme our purpose. So Tully in his oracyon for Milo / wylynge to proue that Clodius was the begynner of the fraye/ sheweth that Milo(which was neuer wõt but to haue men about hym)by chaunce at that tyme had in his company certayne Musicions and maydens that wayted on his wyfe/ whom he had sytting with hym in his wagen. Contrarily Clodius that was neuer wont afore but to ryde in a wagen & to haue his wyfe with hym:at that tyme rode furth on horsebacke. And where as afore he was alwayes accustomed to haue knaues and quenes in his company:

he had thē non but tal mē with hym/ & (as who shulde say) men piked out for ẏ nones.
¶ To this is added forme/ as to assay yf we can haue any argument to our purpose out of the persones face or countenance/ and so dothe Tully argue in his oracyon agaynste Pyso/ sayenge on thys wyse.
¶ Seste thou nat nowe thou beste? doste thou nat nowe perceyue what is mennes cōplaynt on thy vysage? there is non that complayneth that I wote nat what Surryen & of theyr flocke whiche be but newly crepte vp to honour out of the donghyll is nowe made consull of the citie. For this seruile colour hathe nat deceiued vs nor hery cheke balles/ nor rotten and fylthy tethe/ thyne yes/ thy browes/ forhed/ and hole coūtenaunce/ which in a maner dothe manifest mennes condicyons and nature/ it hath diceued vs. ¶ This done/ we must consyder howe he hathe bene brought vp that we accuse/ amonge whom he hathe lyued/ and whereby/ howe he gouernethe his houshold/ & assay if we can pyke out of these ought for our purpose. Also of what state he is of/ fre or bond/ ryche or pore/ beryngе offyce or nat/ a man of good name/ or otherwise/ wherin he delitetb most/ whiche places do expresse mānes lyuyng/ and by his lyuynge: his wyll and mynde/ as I

wolde declare more fully / saue that in introductions men muste labour to be short/ & agayne they are suche that he that hath any perceyuynge may sone knowe what shall make for his purpose/and howe to set it further. And therfore this shall suffyse as touchynge the qualitie of the person.

¶ If we dere away this for a generall rule (that what maketh for the accuser euermore the contrary)is sure staye for the defender/yf he can proue it/or make it of the more lykelyhode. As Tully in defendynge Milo/layeth to Clodius frendes charges that he had none about hym but chosē mē. And for to clere Milo he sheweth the contrary/that he had with hym syngyng ladies and women seruantes that wayted on his wyfe. whiche maketh it of more likelyhod that Clodius wente about to slee Milo than Milo hym.

¶ The cause that moueth to the myscheefe lyeth in two thinges. In naturall impulsyon/ and ratiocinacion.

¶ Naturall impulsion is angre/hatred/couetyse/ loue/ or suche other affections.

So Simo in Terence/whan he had sayd that Dauus (whō he had poynted to wayte vpon his sonne Pamphilus) wolde do all that myght lye in hym both with hande and fote/rather to displease hym: then to

please

please Pamphilus mynde. And Sosia demaunded why he wolde do so. Simo made aunswere by raciocinacion/sayenge/doste thou aske that: mary his vngracious and vnhappy mynd is the cause therof. Oenon in Ouides epistles ioyneth to gyther qualytie and naturall impulsyon/sayenge.
A iuuene et Cupido credatur reddita virgo: whiche is in Englysshe. Thynke you that she that was caried awaye of a yonge mā/and hote in loue/was restored agayne a mayde:

¶ Tully in the oracion for Milo/amonge other argumētes bryngeth in one against Clodius by naturall impulsion of hatred/ shewynge that Clodius had cause to hate Milo fyrst/for he was one of them that laboured for the same Tullyes reuocacyon from exyle/whiche Tulli Clodius maliciously hated. Agayne that Milo oppressyd many of his furiouse purposes. And fynally bycause the sayd Milo accused hym and caste hym afore the Senate and people of Rome.

¶ Raciocinaciō is that cometh of hope of any commodity/ or to eschewe any discommodity. As Tully argueth in his oracion for Milo agaynst Clodius by raciocinacion to proue that it was he that laide wayt for Milo on this maner.

IT is sufficient to proue that this cruel and wicked beste had a great cause to slee Milo / yf he wolde brynge his maters that he wēt aboute to passe/and great hope if he were ones gone/ nat to be letted in his pretenced malyce.

¶ After raciocinacion foloweth comprobacion / to shewe that no man els had any cause to go there about/saue he whome we accause / nor no profyte coulde come to no man thereof: saue to hym.

¶ These are the wayes whereby an oratour shal proue that the ꝑsone accusedhad wyl to the thynge ꝑ is layde to his charge

TO proue that he might do it: ye must go to the circumstance of the cause/ as that he had lyeser ynough there to and place conuenient and strength withall.

¶ Also you shall proue it by sygnes/which are of merueylouse efficacye in this behalfe/wherfore here muste be noted that sygnes be eyther wordes or dedes that eyther dyd go before or els folowe the dede. As Tully in his oracion nowe often alledged argueth agaynst Clodi⁹ by sygnes goyng afore the dede / as that Clodius sayd thre dayes afore Milo was slayne: he ꝑ shulde lyue thre dayes to an ende. And that he went out of the city a lytle afore Milo rode furthe with agreate company of stronge

and

and myscheuous knaves.

¶ Signes folowynge are as yf after the dede was done he fled / or els whan it was layed to his charge: he blusshed or waxed pale/or stutted and coulde nat well speke.

¶ The contrary places (as I sayd afore) long to the defender/saue that in signes he must vse.ii. thinges / absolucio & inuencio.

¶ Absolucyon is whereby the defendour sheweth that it is laufull for hym to do that what the aduersary bringeth in for a signe of his malyce.

¶ Example.

A Man is founde couerynge of a dede body/and therupon accused of murder / he may answere that it is laufull to do so for the preseruacyon of his body frō rauons and other that wold deuoure hym/ tyll tyme he had warned people to fetche & bury hym.

¶ Inuencion it whereby we shewe that the signe whiche is brought agaynste vs maketh for vs. As I wolde nat haue tarved to couer hym yf I had done the dede my selfe: but haue fled and shronke aside into some other way for feare of takynge.

¶ Of the conclusion.

The cōclusiō is as I haue sayd afore bricke repetynge of the effecte of our reasons/& in mouynge the Judges to our

purpose. The accuser to punysshe the ꝑson accused: The defēder/to moue him to pity.

¶ Of the state iuridiciall/and the handelynge therof.

AS state coniecturall cometh out of this questyon (who dyd the dede) so whan there is no dout but that the dede is done/and who dyd it/many tymes controuersy is had/whether it hathe bene done laufully or nat. And this state is negociall or iuridiciall/whiche conteyneth the ryght or wronge of the dede. As in the oracion of Tully for Milo/the state is iuridiciall/for opē it was that Clodius was slayn/and that Milo slewe hym/but whether he kylled hym laufully or nat: is the cōtrouersy & state of the cause/as I haue afore declared.

¶ The preamble and narracion as afore.

THe confirmacion hath certayn places ap ꝓpred thereto/but here muste be marked that state negocyall is double/absolute/and assumptyue.

¶ State negociall absolute is whan the thynge that is in controuersy is absolutely defended to be laufully done. As in the oraciō of Tulli for Milo/the dede is styfly affirmed to be laufully done in sleyng Clodius/seynge that Milo dyd it in his owne defence/

defence/for the lawe permitted to repell violence violently.

¶ The places of confirmacyon in state absolute are these/nature/lawe/custome/equity or reason/iugemēt / necessity/bargayne or couenāt. ¶ Of the whiche places Tully in his oracio for Milo brigeth in the more parte to gyther in a cluster on this maner.

If reason hath prescrybed this to lerned and wyse mē/and necessity hathe brygen it into barbours and rude folke / & custome kepeth it among all nacions/and nature hathe planted it in brute bestes/ that euery creature shulde defende hym selfe and saue his lyfe and his body from all violence by any maner of socour/what meanes or way so euer it were. You cā nat iuge this dede euyll done/except you wyll iudge that whan men mete with theuys or murderers / they muste eyther be slayne by the wepons of suche vnthryfty and malycious persones: eyther els perysshe by your sentence gyuen in iudgement vpon them.

¶ State assumptyue is whan the defence is feble of it selfe / but yet it may be holpen by some other thynge added to it. And the places longynge to this state are graūtynge of the faute/remouyng of the faute/ or(as we say in our tongue)layeng it from vs to an other / & trāslatynge of the faute.

 ¶ Grauntyng

¶ Graūtyng of the faute is whan the per
son accused denieth nat the dede/but yet he
desyreth to be forgyuen/& it hath.ii.places
mo annexyd to it/ purgacion & deprecacio.
¶ Purgacion is whan he sayeth he dyd it
nat malicyously:but by ignorāce or mishap
whiche place Cato vseth ironiously in Sa
luste thus. My mynde is that ye haue pity
with you/for they that haue done amysse
be but very yonge men/& desyre of honour
draue them to it.

¶ Deprecacio is whā we haue non excuse:
but we call vpon the Justices mercy. The
handelynge wherof Tully wryteth in his
boke of inuencion thus.

He that laboreth to be forgyuē of his
faut/must reherce(yf he can)some be
nefytes of his/done afore tyme/ and shewe
that they be farre greater in theyr nature
than is the cryme that he hathe commyt-
ted/so that(howbeit he hath done great
ly amysse) yet the goodes of his fore me-
rites are farre bygger/ and so may wel op-
presse this one faut. Nexte after that it be-
houeth hym to haue refuge to the merytes
of his elders/yf there be any/ and to open
them. That done/ he must retourne to the
place of purgacion/and shewe that he dyd
nat the dede for any hate or malyce, but ei-
ther by folysshnes/or els by the entysement

of

of some other / or for some prouable cause. And the promise faithfully that this faut shall teche hym to beware frō thens forth and also that they benefytes that forgyue hym shal bynde hym assuredly neuer to do so more / but perpetually to abhorre any such offence / and with that to shewe some great hope ones to make them a great recōpence & pleasure therfore agayne. After this let hym (yf he cā) declare some kynred betwene thē & hym / or frendshyp of his elders / & amplifye the greatenes of his seruice & good harte towarde them / yf it shall please them to forgiue this faut / & adde the nobylity of them that wolde fayne haue hym delyuered. And than he shall soberly declare his owne vertues & suche thynges as be in hym pertaynynge to honeste and prayse / that he may by these meanes seme rather worthy to be auaunced in honour for his good qualities / than to be punished for his fall.

¶ This done / let hym reherce some other that haue be forgyuen greater fautes then this is. It shall also greatly auayle yf he can shewe that he hathe in tyme afore ben in auctoritie and bare a rule ouer other / in the whiche he was neuer but gentyll and glad to forgyue thē that had offended vnderneth hym. And then let hym extenuate

his

his owne faute/and shewe that there folowed nat so great damage therof/ and that but lytle profyte or honesty wyll folowe of his punysshment. And finally then by comon places to moue the iudge to mercy & pytie vpon hym.

¶ The aduersary must (as I haue shewed afore) vse for his purpose contrary places.

¶ Some Rhetoriciens put no mo places of deprecacion than only this that is here last reherced of Tulli/that is to do our best to moue the iustice to mercy and pity.

¶ Remocion of the faute is whan we put it from vs and lay it to another.

¶ Example.

THe Venecians haue commaunded certayne to go in ambassade to Englande/and therupon appointed thē what they shal haue to bere their charges/ whiche money assigned: they can nat get of the treasourer: At the daye appoynted they go nat / wherupon they are accused to the Senate. Here they must ley the faut from them to the treasourer/which dispatched them nat accordyng/as it was ordeyned that he shulde.

¶ Trāslacion of the faut is/whan he that cōfesseth his faut sayeth that he dyd it: moued by the indignacion of the malycyouse dede of an other.

¶ Example.

¶ Example.

Kynge Agamennō/whiche was chiefe capitayne of the Grekes at the siege of Troye/whan he cam home was slayne of Egistus by the treason of Clitenestra his owne wyfe/ whiche mureder his sōne Orestes seynge/ whan he cam to mannes state/ reuenged his fathers deathe on his mother/ and slewe her/ wherupon he was accused. Here Orestes can nat deny but he slewe his mother: But he layeth for hym that his mothers abhominable iniury constrayned hym therto/ bycause she slewe his father. And this is the hardelynge of confyrmatyon in state assumptiue.

¶ The conclusions in these oracyons are lyke to the conclusions of other.

¶ Of state legitime/and the handelynge therof.

STate legitime is whan the controuersy standeth in definicyon or contrary lawes/or doutful wrytynges/ or recyprocynacyon/or translacyon.

¶ Of definicion.

DEfinicō(as Tully wryteth)is whā in any wrytynge is some worde put/ the signification wherof requyreth exposicō.

¶ Example.

¶ Alawe

A Lawe maye be made that suche as forsake a shyppe in tyme of tempest shulde lese theyr rygot that they haue / eyther in the shyppe or in any goodes within the same vessell / & that they shall haue the shyp & the goodes that abyde styll in her. ¶ It chaũced .ii. men to be in a lytle crayer / of the whiche vessell the one man was both owner and gouernour / and the other possessour of the goodes. And as they were in the mayne see / they espied one that was swymmynge in the see / and as well as he coulde holdyng vp his handes to them for socour / whereupõ they (beyng moued with pytie) made to warde hym / & toke hym vp. within a lytle after arosea greate tempest vpon them / and put thẽ in suche ieopardy that the owner of the shyp (which was also gouernour) lepte out of the shyp into the shyp bote / & with ẏ rope that tyed the bote to the shyp : he gouerned the shyp as well as he coude. The marchant that was within the shyp / for great dispayre of the losse of his goodꝫ / wyllyng to flee hym selfe : threst hym selfe in with his owne swoorde / but as it chaunced the wounde was neyther mortall nor very greuouse / but natwithstandynge for that tyme he was vnable to do any good in helpyng the shyp agaynst the impetuousnes of the storme. The thyrde

man

man(whiche nat longe afore had suffered shyp wracke) gate hym to the sterne; and holpe the vessell the best that laye in hym. At lengthe the storme ceased/and the shyp came safe into the hauen/bote and all. He that was hurt(by helpe of Chirurgiens) recouered anon. Nowe euery of these thre chalenge the shyp & goodes as his owne. Here euery man layeth for hym the lawe aboue reherced/and all their controuersy lyeth in the expoundynge of thre wordes/ abydynge in the shyp/ and forsakynge the shyp/and what we shal in such case cal the shyp/ whether the bote as part of the shyp: or els the shyp it selfe alone.

¶ The handelynge hereof is. Fyrst in few wordes and plaine to declare the signification of the worde to our purpose/and after suche maner as may seme resonable to the audience. Nexte/after suche exposicion to declare and proue the sayd exposicion true/ with as many argumentes as we can. Thyrdely to ioyne our dede with the exposicion/& to shew that we onely dyd obserue the very entent of the lawe. Than to refell the exposicio of our aduersaries/ & to shew that their exposicion is contrary to reasō and equitie/and that no wyse man wyll so take the law as they expounde it/and that the exposicion is neither honest nor profi-

table/

table/and to conster theyr exposicion with
oures / and to shew that oures conteyneth
the veritie/and theyrs is falce. Oures ho-
nest/reasonable/& profitable: Theyrs clene
contrarye. And then serche out lyke exam-
ples/either of greater maters or of lesse/or
els of egall maters/and to manifest by the
that our mynde is the/very truthe.

¶ Contrary lawes are where the tone se-
meth evidently to contrarye the other. As
yf a law were that he who̅ his father hath
forsaken for his sone/shall in no wyse haue
any portion of his fathers goodes. And an
other lawe / that who so euer in tyme of
tempest abydeth in the shyp: shall haue the
shyp and goodes. Then pose that one whi-
che was of his father so abiecte & denyed
for his chylde: was in a shyp of his fathers
in tyme of sore wether / and whan al other
for feare of lesynge themselfe for sake the
shyp and gate them into the bote: he onely
abode / and by chaunce was safe brought
into the hauen / wherupon he chalengeth
the vessell for his/where as the party defe-
dant wyll lay agaynst hym that he is ab-
dicate or forsake̅ of his father/ & so can nat
by the lawe haue any parte of his goodes.
Here must he say agayn for hym that this
law alleged doth all only pryuate fro̅ theyr
fathers goodes surhe as be abdicate & yet

wolde

wolde chalenge a part as his childzen/but that he doth nat so / but requireth to haue the shyp/nat as a son to his father: but as any other straunger myght/seyng the law gyueth hym the shyp that abydeth in her in tyme of necessity. And so the handelyng of this state/cyther to deny one of ỳ lawes and shewe that hathe bene afore anulled/ or els to expounde it after the sence that is mete to our purpose.

¶ Doubtful wrytynge is where either the mynde of the author semeth to be contrary to that that is wryten/which som call wrytynge ỳ sentence/or els it is whan the wordes may be expounded dyuers wayes.

¶ Example of the fyrst.

MEn say it is a law in Caleys that no straunger may go vppon the towne walles on payne of dethe. Now than pose that in tyme of warre the towne beynge harde besieged / an alien dwellynge in the towne getteth hym to the walles amonge the souldiers/ & dothe more good than any one mā agayn. Now after the siege ended he is accused for trāsgressyng of the lawe/ which in wordes is euidently against hym But here the defendaunt must declare the wryters mynde by circumstaunces / what straunger he dyd forbyd / and what tyme/ and after what maner/and in what intent

he wolde nat haue any straunger to come on the walles/& in what intent his mynde might be vnderstanden to suffre an alien to go vpon the walles. And here must the effecte of the straũgers wyl be declared/that he went vp to defẽd the towne to put back their enemies. And therto he must say that the maker was nat so vndiscrete & vnreasonable that he wolde haue no maner of exception which shuld be to the welth/pfite/or preseruacion of the towne. For he that wyl nat haue the law to be vnderstandẽ according to equitie/good maner/& nature/ entendeth to proue the maker therof either an vnmust man/or folysshe or euilouse.

¶ The accuser contrarely shall prayse the maker of the law for his great wisdom/for his playne writyng without any maner of ambiguity/that no straũger shulde ꝑsume to go vpon the walles/& reherce the lawe word for worde/& thã shew sõe reasonable cause that mouyd the maker of ꝯ law that he wolde vtterly that no straũger shuld ascende the walles. &c. Exãple of the secõd.

A Man in his testamẽt gyueth to two yonge doughters that he hathe two hũdred shepe/to be delyuered at the day of theyr maryage/on this maner. ☞ I wyll that myne executoures shall gyue to my doughters at the tyme of theyr maryage

euery

euery of them an hundred shepe / suche as they wyll. At the tyme of maryage they demaunde theyr cattell / whiche the executours deliuer nat of suche sort as the maydes wold / wherupō the cōtrouersy ariseth. For the executours say they are bounde to delyuer to euery of them an hundred shepe / suche as they that be the executours wyll. Now here standeth the dout / to whom we shall referre this worde they / to the doughters / or to the executours.

The maydens say nay thereto / but that it was theyr fathers mynde that they shulde haue euery of them an .C. shepe / suche as they that be the doughters wyll.

¶ The handelyng of doutfull wrytyng is to shew yf it be possible that it is nat wryte doutfully by cause it is the comō maner to take it after as we saye / & that it may sone be knowen by suche wordes as partely go before that clause & ptly folow / & that there be few wordes / but if they be considered so alone / they may anon be taken doubtfully. And first we shal shewe if we can that it is nat doubtfully wryten / for there is no reasonable man: but he wyl take it as we say. Than shall we declare by that that goeth afore / & foloweth / that it is clerly euyn-as we say / & that yf we consider the wordes of the selfe they wyl seme to be of ambiguite

but seyng they may by ꝑ rest of the wrytyng be euident ynough/they ought nat to be taken as doubtfull. And then shew that yf it had ben his mynde that made the writyng to haue it taken as the aduersarye sayeth: he neded nat to haue wryte any such wordes. As in the example now put/the maydens may say that yf it had bene theyr fathers mynde that the executours shulde haue delyuered suche shepe as it had pleased them to delyuer; he neded nat to haue added these wordes such as they wyll. For yf they had nat ben put/it wolde nat haue bene dought but that the executers delyuerynge euery of them an hundred shepe (what so euer they were) had fulfylled the wyll/and coulde haue ben no further compelled/wherfore if his mynde was as they say/it was a great folye to put in the wordes whiche made a playne mater to be vnplaine. And than finally shew it is more honest and conuenient to expounde it as we say: then as our aduersaryes do.

¶ Ratiocination is whan the mater is in controuersy/wherupon no law is decreed/ but yet the iugement therof may be foũde out by lawes made vpon maters semdele resemblynge thereunto.

¶ As in Rome was this law made/ that yf any persone were distraught/his posses-

syons

tions and goodes shulde come to the handes of his next kynne.

¶ And an other law/what any householder dothe orden and make as concernynge his householde and other goodes/it is approbate and confirmed by the lawe.

¶ And an other law/if any housholder dye intestate/ his monye & other goodes shall remayne to his nexte kyn. ¶ It chaunced one to kyll his owne mother/ wherupon he was taken and condempned to deathe/ but whyle he lay in pryson/certayne of his familiare frēdes cam thyther to hym/and brought with them a clerke to wryte his testament/ whiche he there made/ & made suche executours as it pleased hym. After his deth his kynnesmē chalēge his goodes his executours say them nay/ wherupon aryseth controuersy afore the iustice.

¶ There is no lawe made vpon this case/ whether he that hathe kylled his mother may make any testamēt or nat/but it may be reasoned on bothe ꝑtyes by the lawes aboue rehersed. The kynsmen shall allege the lawe made for thē that be out of theyr myndes/ presupposynge hym nat to be in muche other case/or els he wolde nat haue done the dede. The contrary parte shal allege the other lawe/and shewe that it was none alienacion of mynde: but some other

cause that moued hym to it / and that he hathe had his punysshment therfore / whiche he shulde nat haue suffred of cõuenient if he had bene beside hym selfe.

¶ Translacion is whiche the lawyers cal exception / as yf the person accused pleade that it is nat lawfull for the tother to accuse hym / or that the Juge can be no iuge in that cause. &c.

¶ The conclusion of the Author.

THese are my speciall and singuler good Lorde whiche I haue purposed to wryte as touchyng the chefe poynt of ỹ . iiii. that I sayd in the begynnyng to long to a Rhetoricien / and which is more difficulty thã the other. iii. so that it ones had / there is no very great maystry to come by the residue. Natwithstandynge yf I se that it be fyrst acceptable to your good lordshyp in whom nexte god and his holy saintes I haue put my chyef confidence and trust / and after that yf I fynde that it seme to the eders a thyng worthy to be loked on / and that your lordshyp and they thynke nat my labour takẽ in vayne: I wyll assay my selfe in the other partes / and so make and accõplysshe the hole werke. But nowe I haue folowed the faction of Tully / who made a seuerall werke of inuencion . And

though

though many thynges be lefte out of this treatyse that ought to be spoken of/ yet I suppose that this shall be sufficyent for an introductyō to yonge begynners/ for whō all onely thy boke is made. For other that bene entred all redy shal haue lytle nede of my labour/ but they may seke more meter thynges for theyr purpose/ either in Hermogines among the Grekys/ or els Tully or Trapesonce/among the Latines. And to thē that be yonge begynners nothynge can be to playne or to short/wherfore Horace in hys boke of the craft of Poetry sayeth

☞ Quicquid precipies esto brevis vt cito dicta
Percipiant animi dociles teneantq; fideles.

☞ what so euer ye wyll teache (sayth he) be brief therin/that the myndes of the heerers or reders may the easyer persepue it/ and the better bere it away: And the Emperour Justinian sayeth in the fyrste boke of his institucions in the paragraph of iustice and right/that ouer great curiosity in the fyrst principles/make hym that is studiouse of the facultie either to forsake it or els to attayne it with very great and tedyouse labour/and many tymes with great dispayre to com to the ende of his purpose. And for this cause I haue ben ferre lesse curiouse then I wolde els haue ben/and also a great dele the shorter. If thys my labour

may

may please your lordshyp/it is the thynge that I do in it moste desyre; but yf it seme bothe to you & other a thyng that is very rude and skant worthe the lokynge on: yet Aristotlz wordz shal cōfort me/who sayeth that men be nat onlye bounde to good autours: but also to bad/bicause that by their wrytyng they haue ꝓnoked cūnynger mē to take the mater on hande / which wolde els peraduenture haue helde theyr peace. Truely there is nothyng that I wolde be more gladder of thā if it might chaūce me on thz maner to cause thē that be of moch better leruynge & exercise in this acte thā I of who I am very sure that this realme hath great plenty/that they wolde set the pēne to the paper/& by their īdustry obscure my rude ignoraūce. In ẏ meane space I beseche the reders/yf they fynde any thynge therin that may do thē any ꝓfyte/ that they gyue the thankes to god and to your lordshyp/and that they wyll of theyr charitie pray vnto the blessyd Trinite for me/ that whā it shall please the godhed to take me from this trāsitory lyfe/I may by his mercy be of the nombre of his electe to perpetuall saluacyon.

¶ Imprinted at London in Fletestrete/ by me Robert Redman/dwellyng at the sygne of the George.

Cum priuilegio.

G.R. III. BR. MUS.